

HONORABLE FRANKLIN D. BURGESS

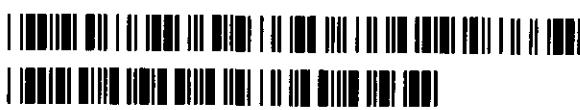
OFFICE OF THE CLERK & CLERICAL STAFF  
GENERAL  
MAIL & FAX DIVISION

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

7 KATHLEEN M. HOUSE, )  
8 )  
9 Plaintiff, ) No CV98-5262FDB  
10 vs. )  
11 ) PLAINTIFFS RESPONSE TO  
12 ) ORDER TO SHOW CAUSE WHY  
13 ) PLAINTIFF SHOULD NOT  
14 ) PROCEED PRO SE  
15 Defendants )  
16 \_\_\_\_\_)

16 COMES NOW the plaintiff, Kathleen House, and submits the following statement  
17 in response to the Order to Show Cause Why Plaintiff Should Not Proceed Pro Se.

19 1 The appointment of inexperienced counsel was incorrect in a complex civil rights  
20 case Ms Valier's arguments as to the complexity and duration of the current case and her  
21 own inexperience are not relevant over a year after appointment was granted. Consideration  
22 of these factors should have been made by Ms Valier prior to her accepting appointment in  
23 evaluating her own ability to represent a potential client. Ms. Valier knew nothing of either  
24 the current case or the related discrimination case at the time she accepted appointment. Ms.  
25 PLAINTIFF'S RESPONSE TO  
26 SHOW CAUSE ORDER  
27 -1- KATHLEEN HOUSE, PRO SE  
28



CV 98 05262 #0000062

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1 Valier's motion is addressed to a judge not presiding in the case and incorrectly names the  
2 defendants in the current case. Her inexperience and failure to review a case prior to  
3 accepting appointment should not bar plaintiff from good faith appointment of counsel under  
4 USC 2000(e)-5(f)(1).

5       2 The appointment by the Screening Committee of an employer's defense attorney,  
6 whose only other trial experience has been personal injury, by the Screening Committee was  
7 incorrect Appointed counsel has shown no interest in the merits of plaintiff's case, in  
8 plaintiff's own desperate financial and personal circumstances resulting from defendant's illegal  
9 acts, and in the statutory rights of employees as set forth in Title VII of the Civil Rights Act of  
10 1964, as amended

11       3. Appointment of an attorney who resides more than 50 miles from the pro se party  
12 was incorrect Rule 4, subparagraph (d) states that "Except under unusual circumstances, the  
13 Screening Committee shall not select an attorney who resides more than 50 miles from the pro  
14 se party An attorney may, however, consent to an appointment of [sic] behalf of a pro se  
15 party who resides more than 50 miles from the attorney " Ms. Valier's office is in Seattle  
16 Plaintiff resides in Olympia. Plaintiff's only recourse in complying with Ms. Valier's  
17 requirement for confidential and irreplaceable documents in plaintiff's possession, as plaintiff  
18 had no money and no means of either traveling to Seattle or of safely sending the documents  
19 to Ms. Valier, was to accept Ms. Valier's offer to come to Olympia. Ms. Valier's own motion

20 **PLAINTIFF'S RESPONSE TO**

21 **SHOW CAUSE ORDER**

1 shows that she considered this an extraordinary accommodation. Ms. Valier disregarded  
2 plaintiff's preference that Ms. Valier return the documents by certified mail and instead  
3 requested that they be returned by a paralegal in Ms. Valier's office who was traveling to  
4 Olympia on other business. Plaintiff agreed to be, and was, at home on the evening before a  
5 national holiday, both at the time the paralegal arrived and at the time specified by Ms. Valier.  
6 Plaintiff received the documents from the paralegal on the date specified by Ms. Valier. Ms.  
7 Valier's and Ms. Watanabe's misconstruction of events occurring at plaintiff's private residence  
8 at the time of Ms. Watanabe's arrival shows that this accommodation on the part of the  
9 plaintiff was unsatisfactory to Ms. Valier.

13           4 Appointed counsel's motion is factually incorrect and not relevant to the issue of  
14 good faith appointment of counsel for a civil rights plaintiff under USC 2000(e)-5(f)(1). The  
15 motion attempts to bias the court against plaintiff in order that Ms. Valier's firm be relieved  
16 from the requirements of the rules under which she was appointed, the Plan of the United  
17 States District Court for the Western District of Washington at Seattle for the Representation  
18 of Pro Se Litigants in Civil Rights Actions (As Amended, Effective 3/16/90), specifically Rule  
19 2(a,b,e) and Rule 4(a), Relief from Appointment of the Rules Governing Pro Bono Panel.  
20 Ms. Valier's motion in this respect misrepresents her client's legitimate concerns over her  
21 counsel's failure to act in this case in the course of seven months as personal animosity.  
22 Plaintiff has no access to the affidavit submitted under seal to Judge Bryan by Ms. Valier.

23 PLAINTIFF'S RESPONSE TO  
24 SHOW CAUSE ORDER

1 Plaintiff submits under seal an affidavit of the facts of her interactions with Ms. Valier and  
2 with the firm of Miller/Nash to Judge Burgess  
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4 5. Appointed counsel did not advise plaintiff that she was physically unable to  
5 represent plaintiff Plaintiff's first knowledge of this claim was Ms. Valier's Motion for Relief  
6 from Appointment. Ms. Valier's failure to notify plaintiff that she consider herself physically  
7 unable to represent plaintiff was ethically unjustifiable Her late notice to the Court of such a  
8 claim should not bar plaintiff from good faith appointment of counsel under USC  
9 2000(e)-5(f)(1).

10 12 6. Plaintiff did not believe that an unguided attempt to respond to Ms. Valier's motion  
11 would be considered by the Court and did not therefore file a response to Ms. Valier's motion  
12 Plaintiff is a layperson and has no access to the Screening Committee, no access to knowledge  
13 of composition of the Pro Bono Panel and no access to the reasons selection of Ms. Valier  
14 was made in her case Plaintiff's first knowledge of the Rules Governing Appointment of  
15 Counsel was from the order granting such appointment, entered three months after plaintiff's  
16 motion was filed. Plaintiff was able to obtain a copy of the Rules governing appointment of  
17 counsel only after considerable difficulty. The Rules Governing Appointment of Counsel  
18 contain nothing to guide a layperson in responding to such a motion Plaintiff's own attempt  
19 to request appointment of another attorney in accordance with these rules, submitted on  
20 October 10th, 2000, produced no response from the Court.

21 PLAINTIFF'S RESPONSE TO  
22 SHOW CAUSE ORDER

7 Plaintiff had no time to conduct research to determine the correct form of a response and to determine her own risk of involuntarily waiving attorney-client privilege in responding to Ms Valier's motion during the period from December 27th, 2000, to January 12th, 2001 Because plaintiff has been barred from the computer profession in which she was employed for twenty years, she is currently working at minimum wage in manual labor. Plaintiff was scheduled to work two six day weeks, including Christmas and New Year's day, and to come in on two of her regularly scheduled days off in the period between December 24th, 2000 and January 6th, 2001 She missed one regularly scheduled work day due to illness, but did work a total of one hundred and nine hours for that time period. Plaintiff was unable to leave her house due to illness for four days, including both her regularly scheduled days off, in the period between January 7th, 2001, and January 12th, 2001, and was at work during the remainder of that period

8 Plaintiff's Motion for Appointment of Counsel, filed on October 5th, 1999 and noted for October 22nd, 1999 set forth in detail the reasons counsel should be appointed for plaintiff in the current case. That motion was granted on January 26th, 2000. No event in the intervening year has occurred to reverse the decision in the Order granting appointment of counsel. Ms. Valier's failure to review a case before accepting appointment, her failure to represent her client after accepting appointment, and her failure to prosecute the case are not sufficient reason to reverse the order for appointment of counsel made over a year ago.

**PLAINTIFF'S RESPONSE TO**

**SHOW CAUSE ORDER**

1 Plaintiff submits the arguments made in her Motion for Appointment of Counsel filed on  
2 October 5th, 1999 and the Court's Order for appointment of counsel granted on January 26th,  
3 2000, in response to the Order to Show Cause Why Plaintiff Should Not Proceed Pro Se  
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5  
6 For these reasons, plaintiff submits that she should be appointed counsel in good faith  
7 in accordance with the Plan of the United States District Court for the Western District of  
8 Washington at Seattle for the Representation of Pro Se Litigants in Civil Rights Actions (As  
9 Amended, Effective 3/16/90) and with the provisions for appointment of counsel in civil rights  
10 actions under USC 2000(e)-5(f)(1).  
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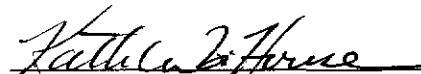
12 Dated. February 1st, 2001

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14

15 Kathleen M. House  
16 Plaintiff Pro Se  
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18 Statement of Service

19 I certify that I have served a copy of the attached  
20 Response to Show Cause Order  
21 on defendant's attorney by leaving same at defendant's  
22 office or by mailing same via first-class mail to  
23 905 Plum Street, SE, Building 3, Olympia,  
24 Washington on February 1st, 2001

25   
26

27 Kathleen M. House  
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PLAINTIFF'S RESPONSE TO  
SHOW CAUSE ORDER